

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Danny C. Bowman, et al.

Serial No.: 09/737185

Filed: December 14, 2000

Confirmation No.: 9139

For: PAPERLESS CHAIN OF CUSTODY EVIDENCE FOR LAB SAMPLES (Appeal no. 2009-2011) (Appeal No 2009-014382)

Examiner: Yelena G. Gakh

Art Unit: 1777

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

REPLY BRIEF

Most of the Examiner's Answer restates the final rejection and therefore needs no additional comment.

The examiner's discussion of the Petrick reference on page 20 highlights the confusion of her analysis. Her rejection of the claims on the Petrick reference requires that the features of Appellant's claimed invention be shown in Petrick's claims. Counsel believes she was saying in making the rejections that the RFID tags are disclosed by Petrick to be affixed to the collection vessels. But in contrast in the argument on page 20 of the Answer, apparently, she is now taking the position that the RFID tag is adhered to a business form. Indeed, that is the correct interpretation of Petrick, supporting contention that Petrick and applicant are claiming different inventions, since Appellant claims putting the RFID tag on the container, not the business form.

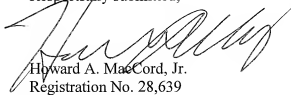
In addition, on page 20 she says that she could find no reference in Petrick to tearing the RFID chip off the form to paste it to the collection container. But, a review of Petrick's Figure 3B and discussion at column 5, lines 19-37 discloses that series of steps, albeit not *in haec verba*.

As to the discussion of Petrick's claim 7 in the middle of page 21, where claim 7 says that "said wireless identification devices adhere directly to the specimen or to a container

containing the specimen, must be interpreted in light of its dependency on claim 1. Claim 1 says that the wireless identification device is associated with a form such that de-associating the device from the form results in at least partial destruction of the form in a manner that is rarely seen at a visual inspection of the form." Thus, if the RFID tag is torn from the form, it can then be put on a container containing the specimen to meet the terms of claim 1 but Petrick discloses doing that when the specimen is collected, NOT before the collection container is shipped to the collection facility.

Reverse of the rejections is respectfully requested.

Respectfully submitted,



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